

GEORGE BALL, Appellant.

JOHN COGGS, Respondent.

T H E
R E S P O N D E N T ' S
C A S E .

Annoq; 1696.

THE Respondent Coggs, was prevailed upon to become a Partner in some Wyre-works at *Esber*, near *Kingston in Surrey*; but they turning to no Account, and the Proprietors being little skilled in such Works, the Appellant was recommended to them as a Person well skilled in Works of that kind, and promised great Matters if he had Encouragement.

Sept. 25th. 1696.

Coggs, Dockwra, and Chafin, Three of the Proprietors of the Works, thereupon, on Behalf of themselves, and the rest of the Proprietors, entred into Articles of Agreement in Writing with the Appellant; whereby, in Consideration of 78 *l. per Ann.* to be paid him by Monthly Payments, and of a Habitation, Fewel, and other Things for him, his Wife and Family, he covenanted faithfully and diligently to serve the said Partners, as Agent, Manager, Overseer, and Director of their said Work, and Workmen, during his Life, in case the said Wyre-works should so long continue, and to render a just and true Account from time to time.

And the Appellant having by the said Articles undertaken to make all the Brass Wyre for the future, of a convenient Length, and in Colour, Toughness, and Goodness, equal to a Pattern then agreed upon; he was further to be allowed 3 *s. 6 d. per Hundred* for all such Wyre as he should so make, *discharging thereout all such new Charges as should be required to improve such Wyre.*

By Vertue of these Articles, the Appellant entred upon the said Works: But, as the Respondent apprehended, being ignorant, and unable to perform what he proposed, and using the Workmen ill, many of the best of them quitted the Works.

Sept. 24th. 1698.

And the Respondent, and his Partners, being likely to suffer very much thereby, they, by an Order in Writing, removed him from his Service.

Michaelmas Term.
1702.

After which, for about Four Years, he was imployed in, and attempted to carry on other Works of the like Nature; but miscarrying therein, he was reduced to mean Circumstances; and to get himself up again, brought an Action against Mr. Coggs singly, in the *Queen's-Bench*, and declared in an Action of Covenant upon the said Articles to his Damage 3000 *l.*

Easter Term.
1703.

Whereupon Mr. Coggs exhibited his Bill in *Chancery* against the Appellant, and Dockwra and Chafin on the Circumstances of his Case, as aforesaid, and to be relieved against the said Action; and that Chafin and Dockwra might, (as to their Parts) indemnifie the Respondent Coggs.

Hillary Term.
1703.

And the Appellant exhibited a cross Bill in *Chancery* (*informa Pauperis*) against the said Coggs, Chafin and Dockwra to establish and have a specifick Performance of the said Articles.

Febr. 20th. 1706.

Both Causes came to be Heard together before the now Lord Chancellor; and his Lordship declared, That the Appellant was well entituled to all the Advantages and Perquisites coming to him by the Articles, *except the 3 s. 6 d. payable to him for every Hundred Weight of Wyre, made at the said Works; which said 3 s. 6 d. per Hundred, his Lordship conceived was intended as a Reward attending the produce of the Works, only during the time the Appellant supervised the same, and that he was not entituled to the same since, and Decreed (inter alia) an Account accordingly. And that the Appellant should be allowed Interest for the said Salary, from the end of every three Months, and also pauper Costs in both Causes. And the Appellant was to repair again to the said Works, if Coggs should require the same; and be paid his Salary according to the said Articles, until further Order of the Court.*

Nov. 14th. 1707.

Sir Richard Holford, the Master, to whom the taking of the Account was referred, reported due to the Appellant for his Salary to that Time and Interest, the Sum of 781 *l. 8 s. 10 d.* and by a second Report, certified due to him for the 3 *s. 6 d. per Hundred*, for the Brass Wyre made at the said Works, during the time that he supervised the same; and for Coals, small Beer, and other Perquisites, which by the Articles he was to be allowed, the Sum of 284 *l. 11 s. 6 d.* Both which Sums amounting together, to the Sum of 1066 *l. 00 s. 4 d.* Coggs hath since paid to the Appellant, in Obedience to the said Decree, as likewise his Salary of 78 *l. per Annum*, and an Allowance of 10 *s. per Week* for Coals, small Beer, and other Perquisites, since the said Master's last Report.

Jan. 28th. 1708.

During all which time, the Appellant never found any fault with the Decree; but having had the full effect thereof, and thereby got so much Money into his Hands, he has now appealed therefrom, and insists, that the 3 *s. 6 d. per Hundred* for all Wyre made at the said Works, in his Absence ought to have been Decreed him, and the same to, continue during his Life, as well as his Salary, and other Perquisites.

Though by the said Articles, the Consideration of Coggs, and his Partners making to the Appellant, the said Allowance of 3 *s. 6 d.* for every Hundred of Wyre, made at the said Works, was for that by the Appellants Calculation they were induced to believe, that their Charges in making the said Wyre, would by his Method be considerably lessened from what it had been, and their Profit much greater, and that the Appellant was to be at great Charges and Trouble, in Ordering, Preparing, and Improving the Metal according to his Method, (*which was to go out of that Allowance.*) Whereas he hath been at no Charges at all in that Matter, nor hath he at all altered the Method before used in preparing the said Metal, or making of the Wyre; or if he had, yet the Respondent doth humbly insist, that the said 3 *s. 6 d.* a Hundred was not by the said Articles to have Continuance longer than the Appellant was actually imploy'd in the Works, which was to be during the Proprietors Will and Pleasure only.

Wherefore the Respondent Humbly Prays, that the Lord Chancellor's Decree may be Affirmed, and the said Appeal Dismissed with Costs.

Fran. Page.

THE RESPONDENT'S CASE

The Respondent's Case is a full and complete answer to the Appellant's Case, and is intended to show that the Appellant's Case is not only false, but also that the Respondent's Case is true. The Respondent's Case is a full and complete answer to the Appellant's Case, and is intended to show that the Appellant's Case is not only false, but also that the Respondent's Case is true.

George Ball, Appellant.

John Coggs, Respondent.

THE RESPONDENT'S CASE

To be heard in the House of Lords,
on Thursday the 30th
of March 1710

It is the Respondent's Case, that the Lord Chancellor's Decree was not only false, but also that the Respondent's Case is true.